JPME

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 JAN 18 AM 10: 06

BY ______ DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Manuel MANZO-Perez
AKA: Roberto PEREZ-Perez
AKA: Sergio Alfonso LEPE

Defendant.

Magistrate Case No. '08 MJ 0147

COMPLAINT FOR VIOLATION OF

Title 18, U.S.C., Section 1544
Misuse of Passport

The undersigned complainant being duly sworn states:

On or about January 17, 2008, within the Southern District of California, defendant **Jose Manuel MANZO-Perez AKA: Roberto PEREZ-Perez AKA: Sergio Alfonso LEPE** did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting U.S. Passport number 039603762, issued to **Sergio Alfonso LEPE** to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not **Sergio Alfonso LEPE**, that the passport was not issued or designed for his use, and that he is not a United States citizen entitled to a U.S. Passport. All in violation of Title 18, United States Code, Section 1544.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence this **18th** day of **January, 2008**.

U.S. MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

On Thursday, January 17, 2008 at approximately 5:15 AM, **Jose Manuel MANZO-Perez AKA: Roberto PEREZ-Perez AKA: Sergio Alfonso LEPE (Defendant)** applied for admission into the United States from Tijuana, Mexico at the San Ysidro, California Port of Entry through vehicle primary lane 7. Defendant was the driver and sole visible occupant of a stolen black 1991 Honda Prelude. During primary inspection before a Customs and Border Protection Officer, Defendant presented a stolen United States Passport bearing the name and photo of Sergio Alfonso LEPE. At the inspection booth, the primary officer received an alert that the vehicle was stolen and conducted a cursory inspection of the vehicle. During the cursory inspection, the officer discovered people concealed in the trunk of the vehicle. The Defendant was taken into custody and escorted to secondary for further investigation. The vehicle was driven to the secondary lot for further inspection.

In secondary, four people were extracted from the trunk area of the vehicle and identified as undocumented aliens from Mexico. Defendant was determined to be an imposter to the United States Passport and identified as a Mexican citizen with no entitlements to enter or reside in the United States.

Defendant was queried by ten-digit fingerprint submission through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS resulted in a positive match to the query, confirming Defendant's identity and linking him to Immigration and FBI records.

Immigration service records including the Deported Alien Control System (DACS) revealed that Defendant is a citizen of Mexico and has been previously removed from the United States to Mexico. DACS indicates Defendant was ordered deported, excluded or removed by an Immigration Judge from the United States to Mexico on or about August 28, 1997 and most recently deported, excluded or removed to Mexico on or about May 10, 2007. Immigration service records contain no evidence that Defendant has applied or received permission from the United States Attorney General or his designated successor, the secretary of the Department of Homeland Security, to legally seek reapplication for admission into the United States.